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10 BEFORE THE ARIZONA BOARD OF
11 OSTEOPATHIC EXAMINERS IN MEDICINE AND SURGERY

12 IN THE MATTER OF:

13 JOHN S. TAYLOR, D.O.,
14 Holder of License No. 2775
15 for the practice of osteopathic
16 medicine in the State of Arizona

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) FINDINGS OF FACT, CONCLUSIONS
) OF LAW AND ORDER FOR SUMMARY
) SUSPENSION OF LICENSE PENDING
) FINAL DISPOSITION
)

17 The Board, having held a public meeting on March 30, 1996, regarding John S. Taylor,
18 D.O. (hereafter, "Respondent"), enters the following Findings of Fact, Conclusions of Law and
19 Order for summary suspension of license.

20 FINDINGS OF FACT

21 1. The Arizona Board of Osteopathic Examiners (hereafter, "Board") is empowered,
22 pursuant to A.R.S. §32-1800, et. seq. to regulate the licensing and practice of osteopathic
23 medicine in the State of Arizona.

24 2. Respondent is a licensee of the Board; and, Respondent was the subject of an
25 administrative order issued by the Board and effective on January 20, 1996.
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1 3. The Board's administrative order of January 29, 1996 directed that Respondent be
2 censured for unprofessional conduct and placed on probation for five years subject to compliance
3 with specific terms and conditions of probation described more specifically in the attached Order,
4 dated January 29, 1996.

5 4. The Board's Executive Director, Ann Marie Berger, mailed to the Respondent a
6 letter dated March 15, 1996, informing him of the Board's desire for him to appear for a
7 probationary interview and discuss the matter of his compliance or non-compliance with the
8 requirements of probation set forth in the Board's Order dated January 29, 1996. The
9 aforementioned letter was sent to Respondent's address of record by certified mail (return receipt
10 requested); however, the U.S. mail return receipt, acknowledging delivery of the letter to the
11 Respondent at the address of record, was not returned. A copy of the same aforementioned letter
12 to Respondent was also sent to Respondent's former attorney of record, Richard J. Riley.

13 5. The Board's Order dated January 29, 1996, at page 5, paragraph 7(B) expressly
14 provides that Respondent shall appear before the Board pursuant to receiving written or
15 telephonic notification to make said appearance.

16 6. Respondent failed to appear as directed for the Board's public meeting on March
17 30, 1996, conducted at the State Appellate Court Building, Conference Room No. 230, 150 W.
18 Washington, Phoenix, Arizona.

19 7. Because the subject of Respondent's compliance (or non-compliance) with the
20 Board's probationary order was part of the Board's public meeting agenda for its meeting, the
21 Board heard and considered a report from the Board's Executive Director, Ann Marie Berger
22 concerning the issue of Respondent's compliance or non-compliance with all of the terms and
23 conditions of probation. Ms. Berger's report disclosed the following:

24 A. Pursuant to paragraph 2, page 3 of the Board's probationary order,
25 Respondent was to obtain psychiatric or psychiatric treatment by a therapist
26 licensed to practice in the State of Arizona, selected by Respondent and
approved by the Board. Respondent was required to inform the Board by
letter directed to the Board's executive director, within ten days of the date

1 of the Board's Order, identifying the therapist's name; and, Respondent
2 was to undertake and fully cooperate in a program of treatment with the
3 therapist. Ms. Berger reported that none of the aforementioned conditions
4 were satisfied by Respondent.

5 B. Pursuant to the Board's probationary order, at page 4, paragraph 4, the
6 Respondent was to provide a copy of the Board's probationary order to all
7 facilities where Respondent "...is currently (or subsequently) employed as
8 a physician and/or as (or subsequently receives) privileges to engage in the
9 practice of medicine." The Board is informed and believes that Respondent
10 has not made a complete disclosure of the Board's probationary order as
11 required.

12 C. Pursuant to the Board's probationary order at page 5, paragraph 6,
13 Respondent is required to maintain a "...monthly log (for the duration of
14 probation) and provide a copy of the log to the Board at the first of each
15 month of all prescription-only drugs taken by him. ..." The Board's
16 executive director reported that Respondent has not submitted a copy of a
17 monthly log as required and has not submitted any correspondence to the
18 executive director indicating that he has not taken any prescribed
19 medication.

20 D. Pursuant to the Board's probationary order at page 5, paragraph 7(C)
21 Respondent was ordered to pay, within twenty days of receipt of billing
22 statement, the court reporter costs arising out of the Board's administrative
23 hearing on January 10, 1996. The Board's executive director reported to the
24 Board that she has received notification from the court reporter that the
25 billing statement issued by the court reporter in the amount of \$298.45 has
26 not been paid and is overdue as of the date of the Board's meeting although
the Board's executive director has directed correspondence to the
Respondent reminding him of his obligation to pay for the court reporter
costs.

E. Pursuant to the Board's probationary order at page 6, paragraph 9,
Respondent was directed to participate in a minimum of two self-help
meetings per week and to maintain a written record of the times, dates and
locations of his attendance at said meetings; and, Respondent was to
submit a copy of the written record of his attendance to the Board's staff on
the first day of each month. Board's executive director reported that
Respondent has not submitted the required attendance report.

8. The Board finds that Respondent's failure to comply with the terms of probation
establishes that his continued practiced of medicine constitutes an immediate threat to the public
health, welfare and safety. This conclusion is not based solely upon the failure of the Respondent
to comply with the Board's probationary order but also includes consideration of the past history
of Respondent engaging in unprofessional conduct involving the violation of federal statutes and

1 regulations concerning the issuance of prescriptions for controlled substances. See, Board's
2 Findings of Fact, Conclusions of Law and Order, dated January 29, 1996.

3 CONCLUSIONS OF LAW

4 1. Pursuant to Arizona Revised Statutes §32-1800, et. seq., the Arizona Board of
5 Osteopathic Examiners in Medicine and Surgery has subject matter and personal jurisdiction in
6 this matter; and correspondence sent certified mail return receipt to Respondent provided
7 adequate notice to Respondent to appear before the Board for probationary interview on March
8 30, 1996.

9 2. Pursuant to Arizona Revised Statutes §32-1855(C) the Board may order the
10 summary suspension of a license pending proceedings for revocation or other action.

11 3. Based upon the Findings of Fact set forth above herein, Board concludes that it
12 has the requisite factual basis and legal authority to order summary suspension of Respondent's
13 license pending the final disposition of the Board's written notice of complaint.

14 INTERIM ORDER

15 NOW, THEREFORE, IT IS ORDERED, Board license number 2775, issued to John S.
16 Taylor, D.O. for the practice of osteopathic medicine in the State of Arizona is summarily
17 suspended, effective upon service of this order.

18 Pursuant to A.R.S. §32-1855(C), attached hereto and made a part hereof is the Board's
19 Notice of Complaint and Hearing setting forth charges against Respondent. Respondent shall
20 timely file a written response to said Complaint within twenty (20) dates of the date of mailing
21 this Order and said response shall be mailed to the Board's executive director.

22 Service of this Order is effective upon the date of mailing, by U.S. certified mail, a copy
23 of this Order and the Board's Complaint and Notice of Hearing addressed to Respondent's last
24 known address of record with the Board. See A.R.S. §32-1855(F) and §41-1063.

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1 Pursuant to the direction and vote of the Board, the Board's executive director is
2 authorized and instructed to also attempt to make service of this Order and the Board's Complaint
3 and Notice of Hearing by personal delivery to the Respondent.

4 DATED AND EFFECTIVE this 5th day of April, 1996.

5 ARIZONA BOARD OF OSTEOPATHIC
6 EXAMINERS IN MEDICINE AND SURGERY

7 By: Ann Marie Berger
8 Ann Marie Berger, Executive Director
9 141 E. Palm Lane, Suite 205
Phoenix, Arizona 85004
Telephone (602) 255-1756 (Ext. 22)

10 Served by sending U.S. certified mail
11 this 5th day of April, 1996, to:

12 John S. Taylor, D.O.
13 P.O. Box 12826
Fort Huachuca, AZ 85670 (w/Encl.)

14 Copy mailed this 5th day of April, 1996, to:

15 Michael N. Harrison
16 Assistant Attorney General
Office of the Arizona Attorney General
1275 W. Washington
Phoenix, AZ 85007 (w/Encl.)

17 Richard J. Riley, Attorney
18 Haymore Plaza, Suite M-12
500 E. Frye Blvd.
19 Sierra Vista, AZ 85635 (w/Encl.)

20 Susan Via
21 Assistant U.S. Attorney
Office of the U.S. Attorney
110 S. Church Street, Suite 8310
22 Tucson, AZ 85701 (w/Encl.)

23 Warren S. Silberman, D.O., MPH
24 Colonel U.S. Army
U.S. Army Medical Department Activity
Fort Huachuca, AZ 85613-7040 (w/Encl.)

25 By: Ann Marie Berger
26 mnh/pld/taylor1.pld